

OPINION
57-112

September 5, 1957 (OPINION)

INSTITUTIONS

RE: Officer Entitled to Food Only at Institution

We have received your request for an opinion dated September 4, 1957.

You state that a superintendent of one of our state institutions plans to move his wife and children to the state of California and has asked that he be paid in cash for the value of their subsistence. You ask whether it would be legal for your board to pay cash in lieu of subsistence, and if not, whether the food for his family could be shipped from the institution to his family in California.

The applicable law in this instance is section 25-0109 of the 1943 Revised Code which reads as follows:

The officers of each institution mentioned in this chapter shall be entitled to the necessary food supplies for their families and shall receive the same from the supplies of the institution in which they are employed. They shall not be entitled to delicacies, however, when the same are not in season. The word 'family' as used in this section shall mean only the wife and minor children of an officer."

We believe the Legislature intended that food be furnished to a superintendent and his family only when living at the institution, or at least only to supply food for one household. Neither does the statute authorize the board of pay cash in lieu of food.

It is, therefore, our opinion that your board is without authority to make cash payments to this superintendent in lieu of subsistence, nor could your board authorize shipment of food from the institution to his family in California.

LESLIE R. BURGUM

Attorney General